



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

AES/DCP/DKK
F.#2014R00501

*271 Cadman Plaza East
Brooklyn, New York 11201*

August 11, 2017

By Hand and ECF

Honorable Kiyo A. Matsumoto
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Evan Greebel
Criminal Docket No. 15-637 (KAM)

Dear Judge Matsumoto:

Pursuant to the Court's July 14, 2017 amended criminal pretrial scheduling order ("Pretrial Order") (Dkt. No. 266), the parties were permitted to make any revisions to the prior disclosures made on April 21, 2017. (See Pretrial Order at ¶ 4). In connection with that order, the government attaches the following revised documents to this filing:

Description	Exhibit No.
Government's Revised Preliminary List of People, Entities and Locations ¹	Exhibit A
Government's Requests to Charge for Greebel	Exhibit B

The government's revised preliminary witness list includes all of the individuals listed in Section III of Exhibit A. The government's revised preliminary exhibit list includes all documents disclosed in the appendices to Exhibit E on April 21, 2017, as well all exhibits introduced at the trial of co-defendant Martin Shkreli (list available at Dkt. No. 302). The government may also add to or subtract from its preliminary list of persons, entities and locations, preliminary witness list and preliminary exhibit list as it continues trial preparation. In accordance with Pretrial Order ¶ 6, the government will provide the defendant with marked copies of its anticipated exhibits at the October 3, 2017 pretrial

¹ Exhibit A has been provided to the Court and defendant in hard and/or electronic copy but have not been publicly filed on ECF, as these lists are not final and contain the names of individuals who may be witnesses at trial.

conference, though some additional exhibits may be added after that date as necessary in advance of, or during, trial.

The Pretrial Order also requires that the parties file any objections to the authenticity of documents. To date, despite repeated requests, the government has not received any reciprocal discovery from the defendant. In addition, the defendant has not yet advised whether he will seek to affirmatively offer any documents or any other items into evidence at trial. Consequently, the government cannot make any objections to the authenticity of any evidence to be offered by the defendant at this time. Should the defendant produce any discovery or advise that he will offer any documents or other items into evidence, the government will advise the Court in a timely manner of any objections to the authenticity of such evidence.

With regard to potential expert witnesses, the government anticipates that it may call, either on its direct case or as a rebuttal witness, an expert in the areas of professional responsibility and/or legal ethics for outside counsel representing companies and/or the Board of Directors. Once the identity and particular subject matter of the expert witness, if any, is identified, the government will provide additional notice to the defendant pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G).

The government also anticipates that it will call as a fact witness Deborah Oremland of the Financial Industry Regulatory Agency (“FINRA”). Ms. Oremland’s anticipated testimony will include an explanation of certain Securities and Exchange Commission (“SEC”) rules, regulations and forms, including Rule 144, which governs the holding and sale of restricted securities, and Schedule 13D forms, which require the disclosure of ownership, including beneficial ownership, of stock of a publicly-traded company. To the extent that the defendant may argue that some or all of Ms. Oremland’s anticipated testimony constitutes expert testimony, the government disagrees; nevertheless, the government is prepared to qualify Ms. Oremland as an expert on those areas of testimony if necessary.

Respectfully submitted,

BRIDGET M. ROHDE
Acting United States Attorney

By: /s/
Alixandra E. Smith
David C. Pitluck
David K. Kessler
Assistant U.S. Attorneys
(718) 254-7000

cc: All Counsel (via ECF)